



## **Proposed Emergency Regulations Pertaining to Annual Accreditation**

### **Fees**

**June 23, 2014**

**NOTICE IS HEREBY GIVEN** that the Commission on Teacher Credentialing (Commission) proposes to adopt emergency regulations pertaining to fees for annual accreditation activities after considering all comments, objections, and recommendations regarding the proposed action. A copy of the proposed regulation amendments is attached with the text underlined.

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency regulation action to the Office of Administrative Law, the adopting agency must provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the Commission. After submission of the file to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations. If approved, the Office of Administrative Law will file the regulations with the Secretary of State and the emergency regulations will be effective for one hundred and eighty (180) days. The Commission will proceed with the regular rulemaking action, including a 45-day public comment period followed by a public hearing, within the 180-day emergency regulation effective period. The emergency regulations will remain in effect during the regular rulemaking action.

The proposed emergency regulations were presented to the Commission on Teacher Credentialing at a public meeting held on June 20, 2014 at 8:30 a.m. at the Commission's office located at 1900 Capitol Avenue, Sacramento, CA 95811. This Notice of Proposed Emergency Rulemaking is being provided five days prior to the date that the Commission will submit the regulations to the Office of Administrative Law.

### **Findings of Emergency**

The Commission on Teacher Credentialing finds that the adoption of the proposed regulations on an emergency basis is required for the immediate preservation of the public general welfare within the meaning of Government Code section 11346.1.

The purpose of the accreditation system is to ensure the quality of California educators. The Commission's accreditation system is the only quality control mechanism the state has over educator preparation programs and helps ensure the integrity of the credentials issued by the agency (reference EC sections 44370 and 44371). Delaying implementation of annual accreditation fees during the regular rulemaking process that will take at least six months to complete will cause the Commission to temporarily suspend accreditation activities due to insufficient funds. Failure by the Commission to perform its statutorily-mandated duties could result in the certification and placement of unqualified teachers in California's public schools. Unqualified teachers in the classroom could result in harm to California public school students.

Regular and extraordinary accreditation activities, the overall decline in the demand for credentials, and the escalating price for "nondiscretionary" goods and services has put a

significant strain on the Commission's budget. In the 2012-13 fiscal year, the Commission suspended the submission of program assessment documents and all scheduled site visits due to the redirection of funds to cover the costs associated with new institutional/program approval and the specified extraordinary accreditation activity. The site visit allows a Board of Institutional Reviewers team to consolidate and verify information from the Biennial Reports and the Program Assessment process for the purpose of making findings about the extent to which an institution and its programs meet the Common and Program Standards and to generate an accreditation recommendation. Site visits are a critical component of the seven-year accreditation cycle that ensures high quality educator preparation. A delay in the implementation of the proposed annual accreditation fees could cause the Commission to temporarily suspend site visits and routine program review.

The 2014-2015 budget allocates \$650,000 for educator preparation program reviews. Emergency regulations are necessary to ensure that the Commission has the monetary means to perform its statutorily-mandated accreditation duties, thereby ensuring high quality educator preparation for the instruction of California public school pupils. If the emergency regulations are not approved, the Commission will be unable to collect the revenue needed to conduct accreditation activities, including site visits. The emergency regulations are needed to implement the annual accreditation fee plan as early as possible in the 2014-15 fiscal year.

### **Authority and Reference**

Education Code (EC) section 44225 authorizes the Commission to adopt these proposed emergency regulations. The proposed emergency regulations implement, interpret, and make specific EC section 44374.5 that authorizes the Commission to develop and implement a cost sharing plan for specified accreditation activities.

### **Informative Digest/Policy Statement Overview**

#### Summary of Existing Laws and Regulations

Senate Bill 858 (Chap. 32, Stats. 2014) amends EC section 44374.5 and authorizes the Commission to develop and implement an annual accreditation fee schedule. The purpose of the proposed annual accreditation fee is to implement a cost sharing plan for accreditation activities.

#### Composition of Annual Accreditation Fees

The annual accreditation fees will be comprised of an institution fee and a program fee. The institution fee is based on the average number of credential recommendations made over the most recent three-year period. Program fees are based on the number of Commission-approved educator preparation programs an institution has. The annual accreditation fee is used to cover the costs of on ongoing reviews of existing educator preparation programs. These reviews include biennial reports, program assessment, and site visits.

#### *Biennial Reports*

Institutions are required to submit to the Commission, Biennial Report documents in Years One, Three, and Five of the accreditation cycle that include two years of assessment data to ensure that candidates are developing, and completers have acquired, the appropriate skills and knowledge to prepare them to be professional educators.

*Program Assessment*

Program assessment occurs in Year Four of the accreditation cycle and is a review of all programs offered by an institution. Program assessment is used to assist the institution in preparing for the site visit in Year Six as well as providing information to the site visit team. Two qualified and trained education professionals review the program assessment documents in a protected environment facilitated by Commission staff to determine if the programs are preliminarily aligned with the program standards.

*Site Visit*

The Commission's accreditation system includes a site visit in Year Six of the accreditation cycle. The focus of a site visit is mainly on the Common Standards, but may include any program areas identified in advance by the Committee on Accreditation (COA) as a result of the program assessment process. The size of the site visit team is dependent upon the number of programs and size of the institution. Additional site visit team members may be required when a program at an institution has not completed the program assessment process prior to the visit.

**Summary of Proposed Annual Accreditation Fees – Institution Fee and Program Fee**

Table A provides the five tiers of the Institution Fee. The number of recommends is based on a three year average for each institution. Table B provides the individual program fee an institution can expect to pay based on the number and type of program being sponsored. Table C provides each type of program available to be sponsored as well as the corresponding category of program fee.

<b>Table A: Institution Fee: Average Number of Candidate Recommendations (over 3 years)</b>				
<b>Tier</b>	<b>Recommendations</b>	<b># of Sponsors in Tier</b>	<b>Fee per institution</b>	<b>Potential Revenue</b>
1	0-50	152	\$1,000	\$152,000
2	51-100	32	\$1,400	\$44,800
3	101-300	26	\$1,800	\$46,800
4	301-600	21	\$2,200	\$46,200
5	Over 600	20	\$2,500	\$50,000

<b>Table B: Program Fee</b>	
<b>Type of Educator Preparation Program</b>	<b>Program Fee</b>
<b>Initial Preparation programs</b> —usually those with 12 or more Program Standards	<b>\$400</b>
<b>Intern Programs</b> —If an institution offers an educator preparation program (preliminary teaching or administrative services programs) in both a traditional and an intern delivery model, there is an additional \$150 annual fee.	<b>\$150</b>
<b>Second Level/Specialist programs</b> —usually those with 6 -11 Program Standards	<b>\$300</b>
<b>Added Authorization or Special Class/Teaching Authorization programs</b> —usually those with fewer than 6 Program Standards	<b>\$200</b>

<b>Table B: Program Fee</b>	
<b>Inactive programs</b> – If an institution elects to declare a Commission-approved educator preparation program Inactive a \$50 annual fee will be assessed for each inactive program.	<b>\$50</b>

<b>Table C: Educator Preparation Programs and Accreditation Fee</b>	
	<b>Type of Program</b>
<b>Teacher Preparation Programs (33)</b>	
Preliminary Multiple Subject Teaching Credential	Initial Preparation
Preliminary Single Subject Teaching Credential	Initial Preparation
General Education Induction	Second Tier/Specialist
General Education Clear	Second Tier/Specialist
Preliminary Education Specialist-Mild to Moderate Disabilities	Initial Preparation
Preliminary Education Specialist-Moderate to Severe Disabilities	Initial Preparation
Preliminary Education Specialist-Early Childhood Special Education	Initial Preparation
Preliminary Education Specialist-Deaf and Hard of Hearing	Initial Preparation
Preliminary Education Specialist-Physical and Health Impairments	Initial Preparation
Preliminary Education Specialist-Visual Impairments	Initial Preparation
Preliminary Education Specialist-Language and Academic Development	Initial Preparation
Clear Education Specialist Induction	Second Tier/Specialist
Added Authorization in Special Education-Autism Spectrum Disorder	Added Authorization
Added Authorization in Special Education-Deaf-Blind	Added Authorization
Added Authorization in Special Education-Early Childhood Special Education	Added Authorization
Added Authorization in Special Education-Emotional Disturbance	Added Authorization
Added Authorization in Special Education-Orthopedic Impairments	Added Authorization
Added Authorization in Special Education-Other Health Impairments	Added Authorization
Added Authorization in Special Education-Resource	Added Authorization
Added Authorization in Special Education-Traumatic Brain Injury	Added Authorization
California Teachers of English Learners (CTEL)	Second Tier/Specialist
Bilingual Authorization	Second Tier/Specialist

<b>Table C: Educator Preparation Programs and Accreditation Fee</b>	
	<b>Type of Program</b>
Agriculture Specialist	Second Tier/Specialist
Reading and Literacy Added Authorization (Certificate)	Second Tier/Specialist
Reading and Literacy Leadership Specialist	Second Tier/Specialist
Mathematics Instructional Added Authorization	Second Tier/Specialist
Mathematics Instructional Leadership Specialist	Second Tier/Specialist
Adapted Physical Education	Second Tier/Specialist
Early Childhood Specialist	Second Tier/Specialist
Designated Subjects: Career Technical Education	Initial Preparation
Designated Subjects: Adult Education	Initial Preparation
Designated Subjects: Special Subjects	Second Tier/Specialist
Designated Subjects: Supervision and Coordination	Second Tier/Specialist
<b>Services Preparation Programs (14)</b>	
Preliminary Administrative Services	Initial Preparation
Administrative Services Induction	Second Tier/Specialist
Pupil Personnel Services: School Psychology	Initial Preparation
Pupil Personnel Services: School Counseling	Initial Preparation
Pupil Personnel Services: School Social Work	Initial Preparation
Pupil Personnel Services: Child Welfare and Attendance	Second Tier/Specialist
Teacher Librarian	Second Tier/Specialist
Teacher Librarian Special Teaching Authorization	Added Authorization
School Nurse	Second Tier/Specialist
School Nurse-Special Teaching Authorization in Health	Added Authorization
Speech-Language Pathology	Initial Preparation
Speech-Language Pathology Special Class Authorization	Added Authorization
Clinical or Other Rehabilitative: Orientation and Mobility	Initial Preparation
Clinical or Other Rehabilitative: Audiology	Second Tier/Specialist

### Objectives and Anticipated Benefits of the Proposed Regulations

The objectives of the proposed regulations amendments are to establish an annual accreditation fee schedule that will allow the Commission to continue to perform its statutorily-mandated accreditation duties.

### Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulation amendments are not inconsistent or incompatible with existing regulations. There are no other 5 CCR sections that specify cost sharing fees for accreditation activities associated with Commission-approved programs.

### **Summary of Proposed Amendments to Regulations**

#### ***Subarticle 4.***

Proposed new subarticle to Chapter 5, Article 3 of Title 5 of the CCR in order to clarify, interpret, and make specific the annual accreditation fees per EC section 44374.5 amended as a result of SB 858.

**§80693 and Introduction:** Proposed new section to provide definitions for the terms associated with the annual accreditation fees.

*(a): Proposed language provides the definition for “Institution fee.”*

*(b): Proposed language provides the definition for “Program fee.”*

*(c): Proposed language provides the definition for “Total annual accreditation fee.”*

*(d): Proposed language provides the definition for “Initial Preparation programs.”*

*(e): Proposed language provides the definition for “Second Tier and Specialist programs.”*

*(f): Proposed language provides the definition for “Added Authorization and Special Class/Teaching Authorization programs.”*

*(g): Proposed language provides the definition for “Intern programs.”*

*(h): Proposed language provides the definition for “Inactive programs” and incorporates by reference Chapter Three of the Accreditation Handbook.*

*(i): Proposed language provides the definition for “Recommendation.”*

*(j): Proposed language provides the definition for “Extraordinary activity fee.”*

*(k): Proposed language provides the definition for “Actual costs.”*

*Note: Cites the relevant Education Code authority and references for the proposed addition of 5 CCR §80693.*

**§80694 and Introduction:** Proposed new section to clarify the annual accreditation fees.

*(a): Proposed new subsection to establish the total annual accreditation fee structure, as defined in §80693(c) and includes language specifying when the fees must be submitted to the Commission (reference EC §44374.5).*

*(b): Proposed language established the deadline for fee submission and prefaces the subsections that establish the extraordinary activity fee and suspension of credential recommendation ability.*

*(b)(1): Proposed language establishes the extraordinary activity fee for late submission of annual accreditation fees as defined in §80691(f).*

*(b)(2): Proposed language establishes that institutions shall not recommend for credentials until all fees are submitted.*

*(b)(2)(A): Proposed language establishes when the suspension of the institution's ability to make recommendations commences.*

*(c): Proposed language prefaces the subsections that establish the institution fee tiers for the 2014-15 fiscal year.*

*(c)(1) – (c)(5): Proposed language establishes the institution fee tiers for the 2014-15 fiscal year, depending on the number of recommendations submitted by each institution.*

*(d): Proposed language establishes the manner in which the Commission shall adjust the Institution Fee in subsequent fiscal years.*

*(e): Proposed language prefaces the subsections that establish the program fee for the 2014-15 fiscal year for each program type.*

*(e)(1) – (e)(5): Proposed language establishes the program fees for the 2014-15 fiscal year.*

*(f): Proposed language establishes the manner in which the Executive Director shall calculate the Program Fee in subsequent fiscal years.*

*(g): Proposed language establishes when the Commission shall determine and notify the Legislature and Department of Finance should a change in fees occur.*

*(h): Proposed language establishes when the Commission shall post the Annual Accreditation fees and the calculation of the fees on the Commission website.*

*Note: Cites the relevant Education Code authority and references for the proposed addition of 5 CCR §80694.*

#### **Documents Relied Upon in Preparing Regulations:**

April 2014 Commission Agenda Item 5A:

<http://www.ctc.ca.gov/commission/agendas/2014-04/2014-04-5A.pdf>

June 2014 Commission Agenda Item 3A:

<http://www.ctc.ca.gov/commission/agendas/2014-06/2014-06-3A.pdf>

#### **Documents Incorporated by Reference:**

*Accreditation Handbook Chapter Three, Institutional and Program Approval (rev. 2013):*

<http://www.ctc.ca.gov/educator-prep/accred-handbook/AH-Chapter-03.pdf>

**Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations:** None.

**Mandate on Local Agencies or School Districts:**

The Commission has determined that this proposed regulatory action would not impose a mandate on local agencies or school districts.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

**Fiscal Impact Statement:**

*Cost or savings to any state agency:* \$1,200 to approximately \$12,000 annually depending on the number of credential recommendations and approved educator preparation programs at each institution.

The Commission implements a seven-year accreditation cycle that includes three major components: 1) program assessment, 2) biennial reports, and 3) site visits. Costs are primarily incurred for components of the accreditation system that require the use of experts from the field to determine if the documentation provided by institutions regarding the quality of their program's operations, faculty, and services for candidates are aligned to the requirements of the Commission's adopted standards. Expenses include reimbursement for the travel of volunteers and staff who review documents and participate in approximately 32 to 42 educator preparation program and institution site visits per year. This results in a projected outlay of approximately \$400,000 for site visits, including pre-visits and revisits, in 2014-15 and \$260,000 for document review activities. The 2014-15 Budget Act provides to the Commission \$650,000 in expenditure authority to fund accreditation activities.

Costs associated with accreditation activities vary depending on the scope of review required and the number of reviewers needed to accomplish the activity. Across the California State Universities (CSU), Universities of California (UC), private institutions of higher education, and school districts and county offices of education there are 251 institutions sponsoring one or more education preparation programs. Each year approximately 150 Program Assessment documents are received. Each Program Assessment document requires two reviewers resulting in travel reimbursement costs for approximately 300 reviewers. Annually three cohorts worth of Biennial Reports are received at the Commission resulting in approximately 600 programs worth of reports. Commission staff spends between one and two hours reviewing each program's report. In addition to the Program Assessment documents and Biennial Reports, each year there are approximately 32 to 42 site visits that last for 3 to 4 days and require a team size ranging from 3 to 10 members. The number of days for a site visit and the size of the team and is dependent upon the number of approved programs at each institution and whether or not Program Assessment has been completed. Site visit team members must also be reimbursed for travel expenses. The variety of programs sponsored by an individual institution and the varying nature in how each program runs provides a wide range of possibilities when determining how many hours of staff and volunteer time will be required for each component review.



CSUs, UCs, private institutions, school districts, and county offices of education are not required by statute or regulations to offer Commission-approved programs. The fees are proposed as a means for the Commission to fund accreditation activities in order to carry out its mandates as provided in EC section 44374.5.

*Cost to any local agency required to be reimbursed under Part 7 (commencing with section 17500) of the Government Code:* None.

*Cost to any school district required to be reimbursed under Part 7 (commencing with section 17500) of the Government Code:* None.

*Other non-discretionary costs or savings imposed upon local agencies:* None.

*Cost or savings in federal funding to the state:* None.

### **Availability of Text of Proposed Regulations and Findings of Emergency**

The emergency regulation file is available for inspection and copying throughout the rulemaking process at the Commission office at 1900 Capitol Avenue, Sacramento, CA 95811. Copies may be obtained from the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov) or by contacting Kathryn Polster at the address provided above or by telephone at (916) 445-0928.

## **CALIFORNIA CODE OF REGULATIONS TITLE 5. EDUCATION DIVISION 8. COMMISSION ON TEACHER CREDENTIALING**

### Subarticle 4. Annual Accreditation Fees

#### §80693. Definitions.

As used in this subarticle, the following terms shall have the meanings as set forth below:

- (a) "Institution fee" is part one of the total annual accreditation fee charged to an institution, as defined in section 80691(e), based on the average number of credential recommendations over the prior three fiscal years.
- (b) "Program fee" is part two of the total annual accreditation fee charged to an institution, as defined in section 80691(e), based on the number of Commission-approved educator programs offered by the institution.
- (c) "Total annual accreditation fee" is comprised of the institution fee and program fee, as defined in subsections (a) and (b), and represents the total amount due to the Commission annually.
- (d) "Initial Preparation programs" are programs that provide the coursework and field experiences for individuals earning an initial teaching or services credential.
- (e) "Second Tier and Specialist programs" apply the knowledge and skills from the preliminary program in an on-the-job mentored and supported assignment. Second tier preparation programs are such that allow the individual to earn the clear teaching or services credential.

Specialist programs are programs through which a credentialed teacher may earn an authorization to teach in an additional area.

- (f) “Added Authorization and Special Class/Teaching Authorization programs” are programs that an educator may complete to add an additional authorization that is closely related to the authorization held.
- (g) “Intern programs” are a path to initial preparation program completion that allows an individual the ability to complete their preparation coursework concurrent in a paid position, upon completion of the required minimum preservice preparation as described in program standards.
- (h) “Inactive programs” refer to Commission-approved educator preparation programs that have not withdrawn but are no longer accepting new candidates as detailed in the *Accreditation Handbook* Chapter Three, Institutional and Program Approval (rev. 2013), available on the Commission’s website and hereby incorporated by reference.
- (i) “Recommendation” refers to the process of recommending candidates to receive a credential. Institutions must recommend their candidates, as specified in Education Code section 44227(b), to receive a credential after completing an approved program as part of the credential issuing process.
- (j) “Extraordinary activity fee” refers to the fee charged to institutions that have not submitted the annual accreditation fee by the established due date.
- (k) “Actual costs” may include costs for travel, per diem and incidentals for site visit volunteers and Commission staff, reimbursement of substitute teachers, room rentals, equipment, communication, staff time, accounting and legal services to support accreditation, supplies and statewide indirect costs.

Note: Authority cited: Section 44225, and 44227 Education Code. Reference: Sections 44225(h), 44370, 44371, 44372, 44373(c) and 44374, Education Code.

#### §80694. Annual Accreditation Fees

- (a) The total annual accreditation fee, as defined in section 80693(c) shall be submitted to the Commission by September 1 of each year.
- (b) An institution’s failure to submit the total annual accreditation fee by November 1 annually shall result in:
  - (1) An extraordinary activity fee of \$500 to be paid in addition to the total annual accreditation fee.
  - (2) The suspension of the institution’s ability to make recommendations for credentials until all fees are paid in full.

- (A) The suspension shall commence immediately upon the Commission's sending written notice that the total annual accreditation fee was not fully paid by November 1 each year.
- (c) For fiscal year 2014-15 the institution fee, as defined in section 80693(a), shall be as follows:
- (1) 0-50 recommendations: \$1,000.
  - (2) 51-100 recommendations: \$1,400.
  - (3) 101-300 recommendations: \$1,800.
  - (4) 301-600 recommendations: \$2,200.
  - (5) Over 600 recommendations: \$2,500.
- (d) In subsequent fiscal years, the Commission shall adjust the Institution Fee specified in section 80694 (c) each year by the Implicit Price Deflator for State and Local Government, rounded to the nearest ten dollars.
- (e) For fiscal year 2014-15 the program fee shall be as follows for each program:
- (1) Initial Preparation program: \$400
  - (2) Intern program: \$150
  - (3) Second Tier and Specialist program: \$300
  - (4) Added Authorization and Special Class/Teaching Authorization program: \$200
  - (5) Inactive program: \$50
- (f) In subsequent fiscal years, the Executive Director shall determine the program fee by calculating the actual costs of accreditation activities in the prior fiscal year and apportioning the actual costs at the same ratio as in fiscal year 2014-15, rounded to the nearest whole dollar.
- (g) The Commission shall determine whether a change in fees will be necessary and provide notification should changes be necessary, to the Legislature and Department of Finance, on or before July 1 of each year. Adjustments contained in subsections (d) and (f) are not a change in fees.
- (h) The Commission shall post on its website the total annual accreditation fee for each Commission-approved institution, and how it was determined, on or before August 1<sup>st</sup> each year.

Note: Authority cited: Section 44225, Education Code. Reference: Sections 44225(h), 44371, 44372, 44373(c), 44374 and 44374.5, Education Code.